

REMARKS

Applicants request reconsideration of the application in view of the above amendments and the following remarks.

Claims 1-20 were previously cancelled. Claim 39 is hereby cancelled. Claim 40 is presented here for the first time. Claims 21 to 38 have been amended accordingly. No new matter has been added by way of these amendments.

Claim Rejections – 35 USC § 102 and 35 USC § 103

The Examiner has rejected claims 39, 23, 27-28, 32-33, and 36 under 35 U.S.C. 102(b) as being anticipated by Tsuge et al. US Patent Application Publication 2001/0002791. Applicant has cancelled independent claim 39 and has provided a new independent claim 40 in order to distinguish the claimed invention over the cited prior art. New claim 40 has been limited to a “device for measuring the speed and direction of rotation of a non-magnetic propeller integral with at least one magnet, the propeller being in a flow and being near to where the device is placed.” Basis for this limitation of an “object (3)” to which the device is applied can be found in paragraphs 2, 34, 35, 46, 49 and 93 in the specification, as well as Figure 9 of the appended drawings.

Tsuge et al. teaches a device for processing a detected signal for a rotating sensor but the application of the invention that Tsuge et al. teaches is to a rotation detector unit attached to each wheel to detect the state of wheel rotation necessary for control of an ABS (Antilock Brake System) or the like (paragraph 74). In paragraph 74 of Tsuge et al., for example, a rotating magnet is used as a rotor, which is an object to detect the rotational direction and the rotational speed, provided to rotate integrally with a vehicle tyre.

Tsuge et al. fails to teach a device for measuring the speed and direction of rotation of a non-magnetic propeller integral with at least one magnet, the propeller being in a flow and being near to where the device is placed.

The Examiner has further rejected claims 21 and 29-31, under 35 U.S.C. 103(a) as being unpatentable over Tsuge et al. US Patent Application Publication 2001/0002791 in view of Ott et al. US Patent 6,282,954; claims 22 and 24 over Tsuge et al. in view of Shinjo et al. US Patent 6,630,821; claims 25 and 26 in view of Ott et al. US Patent 6,282,954 and further in view of Kessler US Patent 6,859,000; claims 34 and 35 over Tsuge et al. in view of Gauthier et al. US Patent Application Publication 2002/0149275; and claims 37 and 38 over Tsuge et al. in view of Daigle US Patent 5,715, 162.

None of the other teachings, namely Ott et al., Shinjo et al., Kessler, Gauthier et al. or Daigle reveals or even suggests a device for measuring a non-magnetic propeller integral with at least one magnet, the propeller being in a flow and being near to where the device is placed.

Applicants are thus of the opinion that new independent claim 40 is new and inventive, and consequently that the dependent claims are also new and inventive. It is respectively submitted that the amended claims should thus be allowable over the prior art.

Applicant is of the opinion that this reply is fully responsive to all outstanding issues. Accordingly the application is now deemed to be in a condition for allowance, and favourable reconsideration on the basis of these amendments and remarks is solicited.

This paper is submitted in response to the Office Action dated November 26, 2007 for which the three months date for response is February 26, 2008. We hereby request a two month extension of time for filing this response thus bringing the date for response to April 26 2008. Please apply any charges not covered, or any credits, to Deposit Account 50-2183 (Reference Number 21.1045).

The Examiner is invited to contact the undersigned patent attorney at 281.285.6493 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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